

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

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Bryan Thompson,

Court File No. \_\_\_\_\_

Plaintiff,

**NOTICE OF REMOVAL OF  
CIVIL ACTION**

vs.

BNSF Railway Company, a Delaware  
Corporation, et al.,

Defendants.

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TO THE HONORABLE JUDGE OF SAID COURT:

Defendant Standard Steel, LLC ("Standard Steel"), through its undersigned counsel and pursuant to 28 U.S.C. §§ 1441 and 1446 respectfully submits this Notice of Removal of Civil Action from the Cass County District Court, East Central Judicial District of the State of North Dakota, in which Court this action is currently pending, to the United States District Court for the District of North Dakota. Standard Steel hereby submits a short and plain statement of the grounds for removal as follows:

1. On or about June 30, 2016, Plaintiff Bryan Thompson served Standard Steel with a copy of an Amended Complaint, and on or about July 1, 2016, Thompson served Standard Steel with a copy of a Summons for damages and other relief in an action venued in Cass County District Court, East Central Judicial District of the State of North Dakota (hereinafter "the State Court Action"). A copy of this Summons and Amended Complaint is attached as Exhibit A to the Affidavit of Elizabeth M. Sorenson Brotten.

**GROUND FOR REMOVAL**

2. This action is removable on the grounds of diversity of citizenship between the Plaintiff and the Defendants and because the amount in controversy exceeds \$75,000, exclusive of interest and costs, pursuant to 28 U.S.C. § 1332. According to the Amended Complaint, Plaintiff was a resident of Cass County, North Dakota (Compl. ¶ 4), and on information and belief, remains a Cass County, North Dakota resident at the present time. Plaintiff alleges that Defendant BNSF is a Delaware corporation with its principal place of business in Texas. Standard Steel, LLC is a Delaware limited liability company. Its sole member is Standard Steel Holdings, Inc., a Delaware corporation with its principal place of business in Burnham, Pennsylvania.

3. BNSF has filed an Answer to the Amended Complaint, a copy of which is attached as Exhibit B to the Affidavit of Elizabeth Sorenson Brotten. Standard Steel's deadline for responding to Plaintiff's Amended Complaint, extended by agreement of counsel, has not yet passed.

4. This Notice of Removal is filed within thirty days after a copy of the Amended Summons and Complaint in the State Court Action were served upon Standard Steel. Therefore, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

5. A copy of the written notice required by 28 U.S.C. § 1446(d), addressed to the other parties and to the Clerk of the District Court for Cass County is attached as Exhibit C to the Affidavit of Elizabeth Sorenson Brotten. The same will be filed in the State Court Action and served upon Plaintiffs upon the filing of this Notice of Removal.

**WHEREFORE**, Defendant Standard Steel, LLC respectfully requests that this case be removed from the Cass County District Court, East Central Judicial District of the State of North Dakota to the United States District Court for the District of North Dakota.

Dated: July 28, 2016

Lind, Jensen, Sullivan & Peterson,  
A Professional Association

/s/ Elizabeth M. Sorenson Brotten  
Elizabeth M. Sorenson Brotten (#06521)  
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**Attorneys for Defendant Standard  
Steel, LLC**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Bryan Thompson,

Civil No.:

Plaintiff,

**AFFIDAVIT OF SERVICE**

vs.

BNSF Railway Company,  
a Delaware Corporation, et. al.

Defendant.

STATE OF MINNESOTA     )  
  ) SS.  
COUNTY OF HENNEPIN     )

Nicolle Piette of the City of Brooklyn Center, County of Hennepin, State of Minnesota, being duly sworn, says that on July 28, 2016 she served the annexed:

- Notice of Removal of Civil Action
- Affidavit of Elizabeth Sorenson Brotten
- Civil Cover Sheet

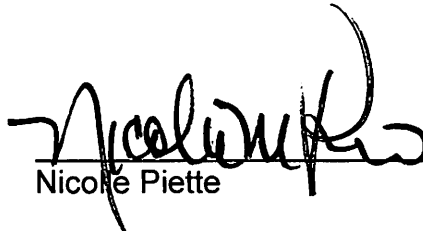
via U.S. Mail upon the attorneys of record in the above-entitled matter:

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I declare under penalty of perjury that everything I have stated in this document is true and correct. Signed this 28<sup>th</sup> day of July, 2016 in Hennepin County, State of Minnesota.

  
Nicolle Piette